

**DRAFTER'S NOTE**  
**FROM THE**  
**LEGISLATIVE REFERENCE BUREAU**

LRB-3836/P1dn  
RNK:bjk:md

December 10, 2009

This draft authorizes the Department of Natural Resources to issue a general permit to cover federally funded wetland restoration activities for which individual permits would otherwise be required under chs. 30 and 31. Because your instructions for the draft were based on the general permit procedures under s. 30.206, stats., I have placed the permit language in that section of the statutes rather than create an entirely new statutory section. Please note the following:

1. This draft does not describe the kinds of wetlands restoration activities that may qualify for coverage under a general permit. Do you want the draft to be more specific on this issue?
2. Your instructions specify that the public hearing provisions under s. 283.49, stats., should apply to a request for coverage under a general permit for wetland restoration activities. Because s. 283.49 concerns pollution discharge permits and not permits under ch. 30 or 31, and to avoid conflicts between the deadlines under ss. 283.49 and 30.206 (3), I have changed the language of s. 283.49 as necessary and incorporated that language into s. 30.206 (2), as created in this draft. Please review this language closely to ensure that it meets your intent.
3. You also requested that the draft specify that a wetland restoration general permit would be valid for a period of up to 5 years and specify that DNR may reissue the permit upon expiration. You also requested that the draft provide that the permit would remain in effect after expiration until reissued. I have assumed for purposes of this draft that your intent was that a wetland restoration activity that is authorized under a general permit is covered for a period of up to 5 years and that if the applicant applies for renewal of coverage and makes a timely application, coverage remains in effect after expiration until DNR renews or denies renewal of coverage. Please let me know if I have misunderstood your intent.
4. Section 30.206 (7), stats., provides that the general permit provisions of s. 30.206 do not apply to a general permit for the Wolf River and Fox River basin area and certain other designated areas. As drafted, that exemption also applies to the general permit provisions created in this draft. Did you intend to include that exemption under the provisions of this draft?
5. The penalty under current law for violating a general permit under s. 30.206, stats., is a forfeiture of not less than \$10 nor more than \$500 for a first offense and a forfeiture

of not less than \$50 nor more than \$500 for a subsequent offense. This penalty applies to the general permit created in this draft. Is this penalty O.K.?

6. I have included a nonstatutory provision that provides a deadline for submission of proposed rules and have also included a delayed effective date to give DNR time to promulgate the required rules. Again, if you do not want to include these provisions, please let me know and I will redraft accordingly.

I have prepared this draft in preliminary form to facilitate any necessary redrafting. Please feel free to contact me if you have any questions with regard to this draft.

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